

MAINE STATE LEGISLATURE

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7/10/04

L.D. 560

DATE: 4/7/04

(Filing No. H-975)

LEGAL AND VETERANS AFFAIRS

Minority

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 415, L.D. 560, Bill, "An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish A Wine Connoisseur Permit'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 28-A MRSA §1352 is enacted to read:

§1352. Wine connoisseur permit

1. Permit to ship wine. Notwithstanding sections 2073, 2077 and 2077-B, a person 21 years of age or older may apply to the bureau for a wine connoisseur permit on forms provided by the bureau. A holder of a wine connoisseur permit may order up to a total of 12 9-liter cases of wine per year from in-state or out-of-state wineries to be shipped to the permit holder's residence for the permit holder's personal use and not for resale. A wine connoisseur permit may not be issued to an establishment licensed to sell alcoholic beverages for on-premises or off-premises consumption. For each shipment, a holder of a wine connoisseur permit shall comply with the following.

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "B" to H.P. 415, L.D. 560

2 A. Prior to ordering a shipment of wine, the wine
4 connoisseur permit holder shall provide the nearest licensed
6 wine wholesaler with the opportunity to distribute the wine
8 the permit holder desires to a retailer within 20 miles of
10 the permit holder's residence that sells wine for
12 off-premises consumption. If the licensed wine wholesaler
14 does not identify a retailer within 20 miles of the permit
16 holder's residence within 48 hours, the permit holder may
18 have the wine shipped directly from the winery.

20 B. The holder of the wine connoisseur permit shall confirm
22 with the winery that the shipment will be conspicuously
24 labeled to indicate that the contents of the package include
26 wine and may be delivered only to the intended recipient.

28 C. The wine shipment must be delivered by common carrier,
30 as defined in Title 12, section 6001, subsection 8. The
32 common carrier is authorized to make delivery of the wine to
34 the holder of the wine connoisseur permit after the permit
36 holder presents the common carrier with the wine connoisseur
38 permit and proof of the permit holder's identity.

40 D. Within 30 days of receiving a shipment, the holder of a
42 wine connoisseur permit shall submit to the bureau a copy of
44 the receipt for that shipment and submit all applicable
46 taxes along with a tax form provided by the bureau.

48 E. The wine connoisseur permit holder shall retain a
50 receipt for each transaction under this section for 2 years
and provide the receipt to the bureau upon request.

2. Permit fee. The fee for a wine connoisseur permit is
\$50. The annual renewal fee is \$25.

3. Waiver of fee. The bureau may waive the permit fee if
an applicant for a wine connoisseur permit provides proof that
the applicant made a purchase within the previous 6 months from a
farm winery licensed in accordance with section 1355.

4. Compliance with beverage container deposit law. The
bureau is authorized to adopt rules so that wine bottles
delivered to the holder of a wine connoisseur permit comply with
the beverage container deposit law pursuant to Title 32, chapter
28. Rules adopted in accordance with this subsection are routine
technical rules as defined in Title 5, chapter 375, subchapter
2-A.

5. Bureau to provide name of nearest wholesaler. In
accordance with subsection 1, paragraph A, the bureau shall
provide to a wine connoisseur permit holder upon issuance of the

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permit the name of the licensed wine wholesaler nearest to the home address of the permit holder.

6. Violation. A person violates this section if, after receiving notice from the bureau to cease and desist, the person continues the activities in violation of this section. A person who violates this section commits a civil violation for which a fine of not more than \$500 may be adjudged. A person who violates this section after having previously violated this section commits a civil violation for which a fine of not more than \$2,500 may be adjudged.'

SUMMARY

This amendment replaces the bill and is the minority report of the committee. This amendment establishes a wine connoisseur permit. This permit provides that a person may have up to 12 cases of wine shipped from in-state or out-of-state wineries by way of a common carrier. The fee for a wine connoisseur permit is \$50 and the annual renewal fee is \$25. The holder of a wine connoisseur permit is required to pay all applicable taxes and must retain records of wine shipments for 2 years. The amendment requires the holder of a permit to provide the nearest wine wholesaler the opportunity to obtain the wine. The wholesaler would have 48 hours to identify a retail location where that wine would become available for sale. This amendment provides that the fee for the permit is waived if the applicant for the permit shows proof that the applicant made a purchase from a farm winery in Maine within the previous 6 months. Finally, this amendment grants routine technical rulemaking authority to the Department of Public Safety, Division of Liquor Licensing and Compliance to ensure that bottles of wine received using a wine connoisseur permit comply with the bottle deposit law.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 560

LR 0357(03)

An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current biennium revenue increase - General Fund

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new civil violation.

The collection of additional fines may also increase General Fund revenue by minor amounts

Fiscal Detail and Notes

Authorizing a \$50 registration fee to be paid by "wine connoisseur" permit holders will increase General Fund revenues collected by the Department of Public Safety. The amounts will depend on the number of Maine residents who apply for wine connoisseur permits. The number of permits is not estimated in this fiscal note.